

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

Hagan Scotter

## UNITED STATES DISTRICT COURT

for the  
Southern District of New YorkIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)the Contents of the iCloud Account  
[REDACTED]@icloud.com22 MAG 9464  
Case No. 22 Mag.

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

the Contents of the iCloud Account [REDACTED]@icloud.com presently stored on data servers belonging the FBI and accessible at 26 Federal Plaza, New York, NY located in the Southern District of New York, there is now concealed (identify the person or describe the property to be seized):

Please see Attached Affidavit and its Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§ 1343 and 1349	wire fraud and conspiracy to commit wire fraud
18 U.S.C. §§ 371 and 666	theft of federal funds and conspiracy to commit theft of federal funds

The application is based on these facts:

Please see Attached Affidavit

- ☒ Continued on the attached sheet.
- ☒ Delayed notice of 365 days (give exact ending date if more than 30 days: 08/01/2023) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[REDACTED]  
Applicant's signature[REDACTED]  
Printed name and titleAttested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephone (specify reliable electronic means)Date: 11/22/2022City and state: New York, NY[REDACTED]  
Judge's signature

Hon. Ona T. Wang, USMJ, SDNY

Printed name and title

22 MAG 9 464

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Application of the United  
States of America for a Search and Seizure  
Warrant for the Contents of the iCloud Account  
[REDACTED]@icloud.com

TO BE FILED UNDER SEAL

Agent Affidavit in Support of  
Application for Search and Seizure  
Warrant

SOUTHERN DISTRICT OF NEW YORK) ss.:

[REDACTED] being duly sworn, deposes and says:

I. Introduction

A. Affiant

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for over three years. I am assigned to a public corruption squad in the FBI's New York office and have participated in investigations involving campaign finance offenses and public corruption. As part of those investigations, I have participated in the execution of search warrants involving electronic evidence.

2. I make this Affidavit in support of an application pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the contents of the iCloud Account [REDACTED]@icloud.com (the "Subject Data") for the items and information described in Attachment A. This affidavit is based upon my personal knowledge; my review of documents and other evidence; my conversations with other law enforcement personnel; and my training, experience and advice received concerning the use of computers in criminal activity and the forensic analysis of electronically stored information ("ESI"). Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and

the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**B. The Subject Data**

3. The Subject Data was previously provided to the FBI by Apple, Inc. ("Apple"), pursuant to a warrant and order issued by the Honorable Katharine H. Parker. That warrant and the affidavit submitted in support of it (the "Prior Warrant" and the "Prior Affidavit," respectively) are attached as Exhibit A and incorporated in this affidavit by reference.

4. The Subject Data is presently located in the Southern District of New York, where it is maintained by the FBI in materially identical condition to that in which it was received.

**C. The Subject Offenses**

5. For the reasons detailed below, I believe that there is probable cause to believe that the Subject Data contains evidence, fruits, and instrumentalities of theft of federal funds and wire fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 371, 666, 1343, and 1349.

**II. Probable Cause**

6. Since in or about August 2021, the FBI and the Office of the United States Attorney for the Southern District of New York have been investigating the possible receipt of so-called "straw" donations by the 2021 New York City mayoral campaign of Eric Adams (the "Adams Campaign") from employees of [REDACTED] a construction company that operates in New York City, but which is affiliated with a larger Turkish company. A straw, or "conduit," donation occurs when a donation to a political campaign is made in the name of one donor, but the funds in question in fact belong to a different person. As further detailed in the Prior Affidavit, this investigation has revealed evidence that [REDACTED] made over \$12,000 in straw donations to the Adams Campaign. (See Ex. A at 8-13). The evidence further revealed that two associates of Adams, [REDACTED] and [REDACTED] helped to obtain and coordinate the



donations from ██████ to the Adams campaign with, among other persons, ██████ who is Turkey's consul general in New York City, and Erden Arkan, who is the owner of ██████ (See Ex. A at 14-17).

7. Based on the foregoing, on August 1, 2022, I submitted the Prior Affidavit and obtained the Prior Warrant, which ordered Apple to provide the Subject Data, as well as the contents of an iCloud accounts used by ██████ to the FBI, and authorized the FBI to search that data for evidence, fruits, and instrumentalities of the Subject Offenses. (See Ex. A at 17-25). The Prior Affidavit contained the following paragraph:

28. Temporal Limitation. This application is limited to all content created, sent, or received on or after February 1, 2021 through November 2, 2021, which runs from the earliest month in which the available evidence establishes communications between ██████ and the Turkish General Consulate, and the close of the 2021 election in which the Adams Campaign participated.

(Ex. A, at 17). The Prior Warrant, which was provided to Apple and which specified the data to be search and seized erroneously did not, however, include this limitation. (See Ex. A at 20-25). Thereafter, Apple provided, and the FBI began to review, data outside the date limitation described in the Prior Affidavit.<sup>1</sup>

8. When the inconsistency between the Prior Affidavit and the Prior Warrant were brought to the FBI's attention, the FBI ceased reviewing the Subject Data. Before that time, however, the FBI observed within the Subject Data evidence of the Subject Offenses which is

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<sup>1</sup> A portion of this search was made possible by another warrant, issued on October 13, 2022, by a United States Magistrate Judge in the District of New Jersey, for the search of ██████ electronic devices (the "DNJ Warrant"). The results of the DNJ Warrant enabled the FBI to decrypt portions of the Subject Data which were encrypted, using an electronic key stored on ██████ iPhone. The DNJ Warrant did not contain a separate temporal limitation, but did attach and incorporate by reference the Prior Affidavit.

responsive to terms of the Prior Warrant but falls outside the temporal limitation described in the Prior Affidavit. For example:

a. On June 14, 2018 (which is outside the temporal limitation described in the Prior Affidavit), [REDACTED] exchanged messages with [REDACTED] concerning the lawful limits on corporate donations. Because [REDACTED] appears to have facilitated the relationship between [REDACTED] and the Adams Campaign (*see* Ex. A at 12-15), I believe this to be “[e]vidence relating to coordination between employees, officers, and associates of [REDACTED] and employees, officers, and associates of the . . . Adams Campaign . . . concerning political contributions to the Adams Campaign,” as well as “[e]vidence of knowledge or understanding of, or intent to violate, laws and regulations governing the conduct of the 2021 New York City Mayoral campaign on the part of [REDACTED] . . . and its employees, officers, or associates,” both of which are responsive to the Prior Warrant (Ex. A at 24-25).

b. Between September 6 and 8, 2021 (which is within the temporal limitation described in the Prior Affidavit), [REDACTED] and [REDACTED] exchanged a series of messages, the substance of which [REDACTED] then relayed to Adams, concerning, in substance and in part, obtaining a Temporary Certificate of Occupancy for the official opening of a building associated with the Turkish Consulate in time for a visit by Turkey’s president. Then on July 12, 2022 (which is outside the time frame in the Prior Affidavit), [REDACTED] encouraged [REDACTED] to “Ask her all your pending problems regarding this building... Like FDNY approvals.” Because these messages seek a specific benefit from the city government for [REDACTED] I believe them to be “[e]vidence of . . . intent to violate, laws and regulations governing the conduct of the 2021 New York City Mayoral campaign on the part of [REDACTED] . . . and its employees, officers, or associates,” as well as possible evidence of the “[i]dentity of any persons or entities involved, wittingly or unwittingly, in straw

donations to the Adams Campaign,” both of which are responsive to the Prior Warrant. (Ex. A at 24-25).

9. Based on the foregoing, I respectfully submit that there is probable cause to believe that the Subject Data contains evidence, fruits, and instrumentalities of the Subject Offenses outside the temporal limitation that was described in the Prior Affidavit. Although the Prior Warrant authorizes the search of the Subject Data without any date limitation, given the inconsistency between the Prior Affidavit and the Prior Warrant, in an abundance of caution, I respectfully request that the Court issue the attached Search and Seizure Warrant, which authorizes the search and seizure of evidence, fruits, and instrumentalities of the Subject Offenses without limitation as to date.

### **III. Procedures for Searching the Subject Data**

10. Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) will review the Subject Data pursuant to the procedures outlined in the Prior Affidavit and Prior Warrant. (*See* Ex. A at 18-19, 22-25).

### **IV. Conclusion and Ancillary Provisions**

11. Based on the foregoing, I respectfully request the court to issue a warrant to seize the items and information specified in Attachment A to this affidavit and to the Search and Seizure Warrant.

12. I hereby request, pursuant to 18 U.S.C. §§ 3103a(b) and 2705(b), and Federal Rule of Criminal Procedure 41(f)(3), that the Court order that the sealing and non-disclosure provisions detailed in the Prior Affidavit and Prior Warrant (*See* Ex. A at 18-19, 21) continue to apply to the Subject Data.

13. In light of the confidential nature of the continuing investigation, I respectfully request that this affidavit and all papers submitted herewith be maintained under seal until the Court orders otherwise.



Special Agent  
Federal Bureau of Investigation

SA Balog attested to this Affidavit by telephone pursuant to F.R.C.P. 4.1(b)(1)(A) on November 22, 2022

A handwritten signature in black ink, appearing to read 'Ona T. Wang', written over a horizontal line.

Hon. Ona T. Wang  
UNITED STATES MAGISTRATE JUDGE



## Attachment A

### I. Data Subject to Search and Seizure

The data that is the subject of this search and seizure warrant (the “Subject Data”) are the contents of the iCloud Account [REDACTED]@icloud.com presently stored on data servers belonging the FBI and accessible at 26 Federal Plaza, New York, NY.

### II. Review of ESI on the Subject Devices

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate any evidence, fruits, and instrumentalities of theft of federal funds and wire fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 371, 666, 1343, and 1349, including the following:

a. Evidence of knowledge or understanding of, or intent to violate, laws and regulations governing the conduct of the 2021 New York City Mayoral campaign on the part of [REDACTED] and its employees, officers, or associates.

b. Evidence relating to coordination between employees, officers, and associates of [REDACTED] and employees, officers, and associates of the 2021 New York City mayoral campaign of Eric Adams (the “Adams Campaign”) concerning political contributions to the Adams Campaign.

c. Evidence relating to payments to employees, officers, and associates of [REDACTED] to facilitate those employees, officers, and associates making political contributions to the Adams Campaign.

d. Evidence relating to coordination or communications between employees, officers, and associates of the Adams Campaign and employees, officers, and associates of the Turkish General Consulate in New York City concerning contributions to the Adams Campaign.

2022.01.31



e. Evidence relating to the source of funds for payment or reimbursement of employees, officers, and associates of [REDACTED] for political contributions to the Adams Campaign.

f. Evidence of other individuals or entities who donated to the Adams Campaign before or after receiving transfers of funds similar to the amount of the donation.

g. Identity of any persons or entities involved, wittingly or unwittingly, in straw donations to the Adams Campaign.

h. Passwords or other information needed to access user's online accounts.

2017.08.02

**EXHIBIT A**

[22 MAG 6274]

2017.08.02

AO 93C (08/18) SDNY Rev. Warrant by Telephone or Other Reliable Electronic Means

☐ Original☐ Duplicate Original

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)  
 the Contents of the iCloud Account  
 [REDACTED]@icloud.com

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Case No. 22 Mag.

22 MAG 9464

## WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure of the following person or property located in the Southern District of New York  
 (identify the person or describe the property to be searched and give its location):

the Contents of the iCloud Account [REDACTED]@icloud.com presently stored on data servers belonging the FBI and accessible at 26 Federal Plaza, New York, NY

The search and seizure are related to violation(s) of (insert statutory citations):

(i) 18 U.S.C. §§ 1343 and 1349 (wire fraud and conspiracy to commit wire fraud) and (ii) 18 U.S.C. §§ 371 and 666 (theft of federal funds and conspiracy to commit theft of federal funds)

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See attachment A

**YOU ARE COMMANDED** to execute this warrant on or before December 6, 2022 (not to exceed 14 days)  
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

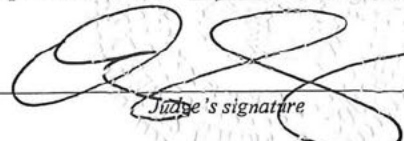
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Hon. Ona T. Wang  
 (United States Magistrate Judge)

☒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☒ for days (not to exceed 30) ☐ until, the facts justifying, the later specific date of 08/01/2023

Date and time issued: Nov. 22, 2022, 11:28am

City and state: New York, NY

  
 Judge's signature  
 Hon. Ona T. Wang, USMJ, SDNY  
 Printed name and title



AO 93C (08/18) Warrant by Telephone or Other Reliable Electronic Means (Page 2)

<b>Return</b>		
Case No.: 22 Mag.	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name(s) of any person(s) seized:		
<b>Certification</b>		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p> <p>Date: _____</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 40%;"></div><div style="width: 55%; text-align: center;"><p>_____ <i>Executing officer's signature</i></p><p>_____ <i>Printed name and title</i></p></div></div>		

## **Attachment A**

### **I. Data Subject to Search and Seizure**

The data that is the subject of this search and seizure warrant (the “Subject Data”) are the contents of the iCloud Account [REDACTED]@icloud.com presently stored on data servers belonging the FBI and accessible at 26 Federal Plaza, New York, NY.

### **II. Review of ESI on the Subject Devices**

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate any evidence, fruits, and instrumentalities of theft of federal funds and wire fraud, and conspiracy to commit the same, in violation of 18 U.S.C. §§ 371, 666, 1343, and 1349, including the following:

a. Evidence of knowledge or understanding of, or intent to violate, laws and regulations governing the conduct of the 2021 New York City Mayoral campaign on the part of [REDACTED] and its employees, officers, or associates.

b. Evidence relating to coordination between employees, officers, and associates of [REDACTED] and employees, officers, and associates of the 2021 New York City mayoral campaign of Eric Adams (the “Adams Campaign”) concerning political contributions to the Adams Campaign.

c. Evidence relating to payments to employees, officers, and associates of [REDACTED] to facilitate those employees, officers, and associates making political contributions to the Adams Campaign.

d. Evidence relating to coordination or communications between employees, officers, and associates of the Adams Campaign and employees, officers, and associates of the Turkish General Consulate in New York City concerning contributions to the Adams Campaign.

2022.01.31

e. Evidence relating to the source of funds for payment or reimbursement of employees, officers, and associates of [REDACTED] for political contributions to the Adams Campaign.

f. Evidence of other individuals or entities who donated to the Adams Campaign before or after receiving transfers of funds similar to the amount of the donation.

g. Identity of any persons or entities involved, wittingly or unwittingly, in straw donations to the Adams Campaign.

h. Passwords or other information needed to access user's online accounts.

2017.08.02